IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

No. 3:19cv218

(Judge Munley)

GEORGE MAJOR.

Plaintiff

v.

: (Magistrate Judge Carlson)

PER

SUPERINTENDENT MARK

GARMAN, et al.,

SCRANTON

Defendants

APR 1.7 2019

ORDER

DEPUTY CLERK

George Major filed this 42 U.S.C. § 1983 complaint alleging that Defendants violated his rights in relation to an incident wherein Major was sexually assaulted by a correctional officer. (Doc. 1). On February 19, 2019, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court dismiss claims against Mark Garman. (Doc. 5). No timely objections were filed.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error. Fed. R. Civ. P. 72(b), advisory committee notes; see Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed). Regardless

of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule 72.31. This Court has reviewed the Report and Recommendation and has found no clear error on

the face of the record. Consequently, it is hereby ORDERED that:

Magistrate Judge Martin C. Carlson's Report and Recommendation
 (Doc. 5) is ADOPTED in its entirety;

2. All claims against Garman are DISMISSED without prejudice;

3. Major may file an amended complaint within 30 days of the date of this Order that addresses the deficiencies identified in Magistrate Judge Carlson's Report and Recommendation. Failure to timely file an amended complaint will be deemed an election to proceed only with respect to remaining Defendants; and

4. Service is deferred pending receipt (or non-receipt) of Major's amended complaint.

BY THE COURT:

s/James M. Munley

JUDGE JAMES M. MUNLEY United States District Court